



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



C. HEIDI GRETHOR
DIRECTOR

August 2, 2016

HAND-DELIVERED

Mr. John Wagner
Diamond Chrome Plating, Incorporated
604 South Michigan Avenue
P.O. Box 557
Howell, Michigan 48844

Dear Mr. Wagner:

SUBJECT: First Amended Consent Decree, Executed on July 28, 2015
(Docket No. 03-1862-CE), Demand for Stipulated Fines

This notice serves as formal notification that Diamond Chrome Plating, Incorporated (DCP) is in violation of First Amended Consent Decree (FACD), that was entered into by DCP and the Michigan Department of Environmental Quality (DEQ) and the Ingham County Circuit Court on July 28, 2015. This notice also serves as demand for stipulated payment pursuant to Section 16.2 and 16.3 of the FACD for failure to meet requirements of Section V, Compliance, with State and Federal Laws Section of the FACD as enumerated herein.

DCP failed to:

1. Comply with the National Pollutant Discharge Elimination System (NPDES) Permit, Part 1.A.1., wherein the DAILY maximum effluent limit for concentrations of Hexavalent Chromium is 32 mg/L. On December 10, 2015, DCP reported that its daily maximum effluent concentration was 130 mg/L. On January 14, 2016, DCP reported that its daily maximum effluent concentrations were 120 mg/L. Compliance with the NPDES Permit is required in Paragraph 5.4(a) of the FACD.
2. Comply with the NPDES Permit, Part 1.A.1., wherein the MONTHLY average maximum effluent limit for concentrations of Hexavalent Chromium is 11 mg/L. DCP reported monthly average effluent concentrations of 26 mg/L for December 2015 and 16 mg/L for January 2016. Compliance with the NPDES Permit is required in Paragraph 5.4(a) of the FACD.
3. Comply with the NPDES Permit, Part 1.B.1.b., wherein the permittee shall implement the approved Storm Water Pollution Prevention Plan (SWPPP). The SWPPP contains daily inspection requirements, including daily inspection of exterior ductwork. Such inspections are to be documented on the designated Daily Roof Inspection Form (DRIF). When weeps are detected and noted on the DRIF, the date and time of cleaning must also be noted on the form. On six occasions between June 29, 2015, and September 15, 2015, DCP failed to provide the required cleaning dates and times on the DRIF. Compliance with the NPDES Permit is required in Paragraph 5.4(a) of the FACD.

4. Comply with the notification requirements before sampling and before exposing areas where releases of hazardous waste or hazardous waste constituents may have occurred, or where hazardous waste might be accumulated or generated. On September 1, 2015, DCP provided written notice of their intent to start a concrete demolition project on September 9, 2015. Upon arrival at the facility on September 9, 2015, the DEQ observed that the demolition project was complete and that the majority of the concrete debris had been hauled away on September 8, 2015, and that DCP already obtained a sample of the concrete debris. Compliance with the notification requirements before sampling is required in Paragraph 9.2 of the FACD. Compliance with the notification requirements before exposing hazardous waste is required in Paragraph 5.2(g) of the FACD.
5. Comply with sampling protocols in accordance with DCP's approved Quality Assurance Project Plan (QAPP). The QAPP requires the use of the DEQ 2002 Sampling Strategies and Statistics Training Materials (S3TM) to determine proper sampling methods. DCP failed to follow the S3TM guidance when dealing with the hazardous waste concrete material as they failed to take an adequate number of samples and admittedly mixed non-contaminated concrete with contaminated concrete to form a composite sample without prior DEQ approval. Compliance with the QAPP is required in Paragraph 6.3 and 9.1 of the FACD.
6. Comply with Rule 306(1)(d), which includes Title 40 Code of Federal Regulations (40 CFR), Section 265.31 requirements to prevent exposure to hazardous waste constituents. DCP did not inform the concrete demolition company that they were removing and handling a hazardous waste. Compliance with Rule 306, of the Hazardous Waste Management Rules, promulgated pursuant to Part 111 of the NREPA, 2013 Michigan Administrative Code, R 299.9306 is required in Paragraph 5.2(a) of the FACD.
7. Comply with Rule 306(1)(f) requirements regarding accumulation to prevent the release of hazardous waste constituents into the environment. On September 8, 2015, DCP shipped hazardous waste soil and concrete debris on the back of an open top truck, un-containerized and unprotected from the weather. Compliance with Rule 306, of the Hazardous Waste Management Rules, promulgated pursuant to Part 111 of the NREPA, 2013 Michigan Administrative Code, R 299.9306 is required in Paragraph 5.2(a) of the FACD.
8. Comply with Rule 306(1)(a)(i)(b)(c) requirements pertaining to containerization, keeping containers closed during storage and labeling containers as hazardous waste with accurate accumulation dates. From the date of generation on September 8, 2015, and final transportation and disposal on September 16, 2015, DCP failed to do the following: use proper containerization by storing hazardous waste in the back of an open truck then in an open roll off box, keep container closed during storage, label the container with the words "hazardous waste", and mark the container with a date for the period of accumulation. Compliance with Rule 306, of the Hazardous Waste Management Rules, promulgated pursuant to Part 111 of the NREPA, 2013 Michigan Administrative Code, R 299.9306 is required in Paragraph 5.2(a) of the FACD.

9. Comply with Rule 306(1)(d), which includes 40 CFR, Section 265.16 requirements to ensure that facility staff are adequately trained so as to be able to perform their duties in a way that ensures the facility's compliance with the requirements of this part. DCP staff have not been adequately trained, evident by the numerous hazardous waste violations that were observed. Compliance with Rule 306, of the Hazardous Waste Management Rules, promulgated pursuant to Part 111 of the NREPA, 2013 Michigan Administrative Code, R 299.9306 is required in Paragraph 5.2(a) of the FACD.
10. Comply with Rule 306 which includes 40 CFR, Section 265.201 requirements to place hazardous waste in tanks that comply with 40 CFR Section 265.201. DCP has 6 collection, secondary containment pits at the facility wherein DCP has been using the vinyl lined pits as primary containment for hazardous waste. As the result of storing hazardous waste in these pits, the pits meet the definition of a hazardous waste tank as defined in 40 CFR, Section 260.10 and thus are subject to hazardous waste tank requirements. DCP has failed to meet multiple hazardous waste tank requirements, including secondary containment, daily inspections, new tank assessment, leak detection equipment, etc. Compliance with Rule 306, of the Hazardous Waste Management Rules, promulgated pursuant to Part 111 of the NREPA, 2013 Michigan Administrative Code, R 299.9306 is required in Paragraph 5.2(a) of the FACD.
11. Comply with the notification requirements before sampling or before exposing areas where the releases of hazardous waste or hazardous waste constituents may have occurred. On three occasions, November 2, 5, and 6, 2015, DCP conducted a draw down pump test on an offsite monitoring well. The well is referred to as #MW-604-14. The pumping of this well generated significant quantities of hazardous waste liquid, hundreds of gallons. DCP shall provide the DEQ seven days' notice prior to any sampling activity to be performed pursuant to the FACD Section VI to allow the DEQ the opportunity to take split or duplicate samples or to observe the sampling procedures. DCP shall provide at least seven days' notice to the DEQ before exposing areas where the release of hazardous waste or hazardous waste constituents may have occurred or where hazardous waste might be accumulated or generated. Two chain of custody forms submitted with DCP's February 2015 progress report confirmed that groundwater/wastewater sampling activities were conducted on November 2 and 5, 2015. DCP admitted that an additional pumping and hauling activity occurred on November 6, 2015. The DEQ did not receive notification of the intended sampling or notification prior to exposing hazardous waste for the November 2, 5, and 6, 2015, pump test incidents. Compliance with the notification requirements before sampling is required in Paragraph 9.2 of the FACD. Compliance with the notification requirements before exposing hazardous waste is required in Paragraph 5.2(g) of the FACD.

The stipulated fine allowed by the FACD for violations of Paragraphs 5.2 – 5.5 and Section VI is: \$250 per day up to 14 days, \$500 per day through 30th day, and \$1,000 per day thereafter. The

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stipulated fine allowed by the FACD for violations with any other term or condition of the Decree is \$250 a day for each violation. To resolve the violations of the FACD, as detailed in this letter, the DEQ demands a stipulated fine settlement of \$11,000.

Please send this in a single payment to the State of Michigan in the total amount of \$11,000. This payment is demanded to be received by the State of Michigan within 30 days of DCP receipt of this demand letter. Payment should be made by check payable to the State of Michigan and mailed to the Accounting Services Division, Cashier's Office for DEQ, P.O. Box 30657, Lansing, Michigan 48909-8157, or hand delivered to the Accounting Services Division, Cashier's Office for the DEQ, 425 West Ottawa Street, Lansing, Michigan 48933. To ensure proper credit, include the payment identification number: WRD MUL3011 on the face of the check.

Please note that the Hazardous Waste violations cited in this letter do not include and resolve all of the violations that were cited in the June 24, 2016 Violation Notice because the FACD, Section 5.2(a) only includes violations of Part 111 of the NREPA, Rule 299.9306. The additional un-resolved violations of Part 111 will need to be addressed through a separate action.

If you have any further questions regarding the Hazardous Waste Violations, please contact Mr. Bryan Grochowski, Hazardous Waste Project Coordinator, at 517-614-7448. If you have any further questions regarding the stipulated penalties, please contact me at 517-248-5494; brown2@michigan.gov; or DEQ, P.O. Box 30458, Lansing, Michigan 48909-7958.

Sincerely,



Angela M. Brown, Enforcement Specialist
Water Enforcement Unit
Water Resources Division

cc: Mr. Richard Kuhl, DAG
Mr. Jim Sygo, Deputy Director, DEQ
Mr. John Craig, DEQ
Mr. Barry Selden, DEQ
Mr. Malcolm Mead-O'Brien, DEQ
Ms. Stephanie Kammer, DEQ
Mr. Leonard Lipinski, DEQ



Michigan Dept of Environmental Quality
Water Resources Division
Enforcement
INVOICE

Issued under the authority of Public Act 451 of 1994
Failure to submit payment by the date due will
result in penalties as prescribed by law.

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C0160374 Ref No:

Diamond Chrome Plating Inc.
Attn: Mr. John Wagner
504 South Michigan Avenue
P.O. Box 557
Howell, MI 48844

Invoice Number: **971603**
Invoice Date: August 2, 2016
Payment Due: September 6, 2016

Diamond Chrome Plating Inc.
Attn: Mr. John Wagner
504 South Michigan Avenue
P.O. Box 557
Howell, MI 48844

Please be sure to reference the settlement ID#
on the check when you remit payment.

Invoice Item	Quantity	Unit Cost	Total Cost
WRD ACO SETTLEMENT Settlement ID MUL3011	1	\$11,000.00	\$11,000.00

Payment Due: September 6, 2016

Total:	\$11,000.00
Tax:	\$0.00
Total Invoice:	\$11,000.00

MAKE CHECK OR MONEY ORDER PAYABLE TO: **STATE OF MICHIGAN**
TO ENSURE PROPER CREDIT, SEND THIS PORTION WITH PAYMENT TO:
Michigan Dept of Environmental Quality
Cashiers Office-ACO
PO Box 30657
LANSING, MI 48909-8157

(Please note or make any mailing corrections below)

Diamond Chrome Plating Inc.
Attn: Mr. John Wagner
504 South Michigan Avenue
P.O. Box 557
Howell, MI 48844

C0160374 Ref No:

INVOICE NO:
971603

WRD ACO

For Cashier's Use Only: